

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TRISTAR INVESTORS, INC.,

Plaintiff,

v.

AMERICAN TOWER CORPORATION,
AMERICAN TOWERS LLC, AMERICAN
TOWERS INC., AMERICAN TOWER
GUARANTOR SUB, LLC, AMERICAN
TOWER HOLDING SUB, LLC, AMERICAN
TOWER ASSET SUB, LLC, AMERICAN
TOWER ASSET SUB II, LLC, AMERICAN
TOWER MANAGEMENT, LLC,
AMERICAN TOWER L.P., SPECTRASITE
COMMUNICATIONS, LLC, and
AMERICAN TOWER, LLC,

Defendants.

AMERICAN TOWER, LLC, SPECTRASITE
COMMUNICATIONS, LLC, and
AMERICAN TOWERS, LLC,

Counter-Plaintiffs,

v.

TRISTAR INVESTORS, INC., DAVID IVY,
ED WALLANDER, ROBERT GILES, DALE
GILARDI, JERRY VOGL, JOHN
LEMMON, MICHAEL MACKEY, and
MATT NEWTON,

Counter-Defendants.

CIVIL ACTION NO. 3:12-CV-499

**AMERICAN TOWER DEFENDANTS'
RESPONSIVE EXPERT WITNESS DESIGNATION**

In accordance with Paragraph 5 of the Amended Scheduling Order (ECF No. 196), as modified by the Joint Notice of Agreement to Modify Amended Scheduling Order (ECF No. 211) and the Second Joint Notice of Agreement to Change Scheduling Order Deadlines (ECF No. 216), Defendants/Counter-Plaintiffs (“American Tower”) file this written designation setting forth the name and address of each responsive expert witness who will offer testimony and opinions in this case:

1. **Stanley Besen**
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1201 F Street, N.W., Suite 700
Washington, DC 20004-1229;

2. **Jeffrey Matthews**
Charles River Associates
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3. **Kim R. Robertson**
Trinity University
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San Antonio, TX 78212;

4. **Jerrold Sadock**
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Chicago, IL 60601;

5. **W. Bebb Francis III**
The Francis Law Firm, P.C.
112 E. Pecan Street, Suite 550
San Antonio, TX 78205-1517; and

6. **Anthony Wells**
C Squared Systems, LLC
65 Dartmouth Drive, Unit A3
Auburn, NH 03032.

American Tower reserves the right to elicit expert testimony, or lay opinion testimony, at the time of trial from any qualified person that would assist the jury in determining material issues of fact pursuant to the Federal Rules of Civil Procedure. In addition, American Tower reserves the right to name or call as a witness any person designated as an expert witness by other parties. American Tower makes no representation regarding the qualifications, conclusions and/or opinions of such experts designated by other parties, and reserves and does not waive its right to object as necessary or to challenge the relevance, qualifications, competency, reliability, methodology, mental impressions, opinions and conclusions of any witness designated by any other party.

American Tower reserves the right to designate additional experts or rebuttal experts as permitted by the Federal Rules of Civil Procedure. Further, American Tower specifically reserves the right to respond to and rebut any expert reports produced by TriStar or to rebut any other evidence presented by TriStar.

Dated: September 18, 2013

Respectfully submitted,

/s/ Jon G. Shepherd

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COUNSEL FOR DEFENDANTS/ COUNTER-PLAINTIFFS

CERTIFICATE OF SERVICE

On September 18, 2013, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jon G. Shepherd
Jon G. Shepherd